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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/784,829	02/08/2001	Joel Henrion	06148.0219-01

22852

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

## FORMALITIES LETTER



\*OC00000005910785\*

Date Mailed: 03/28/2001

## NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

***Filing Date Granted***

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).
- The balance due by applicant is \$ ~~130~~

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

02/25/2003 CVD111 00000052 09784829

02 FC:1051

130.00 OP

Please type a plus sign (+) inside this box → ☐

HDP/SB/21 based on PTO/SB/21 (08-00)



<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/784,829
		Filing Date	February 8, 2001
		First Named Inventor	Joel Henrion, et al.
		Group Art Unit	3736
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	5074A-000013/REA

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Notice of Missing Parts and Petition Under 37 CFR 1.47(a) to Accept Declaration And Power of Attorney Signed on Behalf of a Non-Signing Inventor <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Recordation Form Cover Sheet (in dupl.) and Assignment <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Executed Reissue Declaration And Power of Attorney of Michel Scriban <input checked="" type="checkbox"/> Statement Under 37 C.F.R. 3.73(b) And Power of Attorney <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
RECEIVED FEB 26 2003 OFFICE OF PETITIONS		
Remarks Other Enclosures: copy of Notice to File Missing Parts of Reissue Application; Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); copy of Notice of Abandonment; Statement in Support of Petition Under 37 CFR 1.47(a) with Exhibits A-I; and postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Christopher A. Eusebi
Reg. No.	44,672		
Signature			
Date	2-18-2003		

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.			
Typed or printed name	Christopher A. Eusebi		
Signature		Date	2-18-2003

# **FREE TRANSMITTAL** **for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 1,600

Complete if Known

Application Number 09/784,829  
Filing Date February 8, 2001  
First Named Inventor Joel Henrion, et al.  
Examiner Name Unknown  
Group / Art Unit 3736  
Attorney Docket No. 5074A-000013/REA

**RECEIVED**

**FEB 26 2003**

**OFFICE OF PETITIONS**

## **METHOD OF PAYMENT (check all that apply)**

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☐ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, P.L.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$) 0</b>

### **2. EXTRA CLAIM FEES**

Total Claims 18 -20 \*\* = 0 X Fee from below = 0  
Independent Claims 2 -3 \*\* = 0 X Fee Paid = 0  
Multiple Dependent X = 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$) 0</b>

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath or cover sheet	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	1,300
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) 1460 - Petitions to Commissioner, unless otherwise specified					130

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

**(\$) 1,600**

## **SUBMITTED BY**

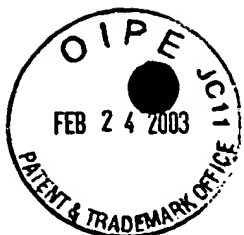
Complete (if applicable)

Name (Print/Type) Christopher A. Eusebi Registration No. Attorney/Agent 44,672 Telephone 248 641 1600  
Signature *Christopher A. Eusebi* Date 2-18-2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/784,829  
Filing Date: February 8, 2001  
Applicant: Joël Henrion  
Michel Scriban  
Jean-Baptiste Thiebaut  
Jean-Francois Uhl  
Group Art Unit: 3736  
Examiner: Unknown  
Title: INTERACTIVE SYSTEM FOR LOCAL  
INTERVENTION INSIDE A NON-  
HOMOGENEOUS STRUCTURE  
Attorney Docket: 5074A-000013/REA

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Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RESPONSE TO NOTICE OF MISSING PARTS OF REISSUE APPLICATION AND PETITION  
UNDER 37 C.F.R. § 1.47(a) TO ACCEPT DECLARATION AND POWER OF ATTORNEY  
SIGNED ON BEHALF OF A NON-SIGNING INVENTOR**


Pursuant to the "Notice to File Missing Parts of Reissue Application, Filing Date Granted," mailed March 28, 2001, Applicants hereby petition under the provisions of 37 C.F.R. § 1.47(a) for acceptance of the enclosed Declaration And Power of Attorney as being signed on behalf of a non-signing inventor. A Declaration And Power of Attorney document executed by Michel Scriban is enclosed. Applicants have included with this response a copy of the Notice to File Missing Parts of Reissue Application along with a Fee Transmittal to cover associated filing and petition fees.

Enclosed herein is a "Statement in Support of Petition Under 37 CFR 1.47(a)" by Christopher A. Eusebi which shows that a bonafide attempt was made to present a copy of the application papers (specification, including claims, drawings, and Reissue Declaration And Power of Attorney) to the non-signing inventors for signature. Within the signed statement are the facts surrounding the inability to obtain the signatures of the inventors Joël Henrion, Jean-Baptiste Thiebaut, and Jean-Francois Uhl.

Also enclosed is an Assignee's statement under 37 CFR 3.73(b) establishing ownership of U.S. Patent No. 5,868,675 and an Assignment document for recordation providing the documentary evidence of a chain of title from Elekta IGS S.A. to Medtronic, Inc.

Respectfully submitted,

Dated: 2-18-2003

By:   
Christopher A. Eusebi, Reg. No. 44,672

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Elekta IGS S.A.  
2, Avenue de Vignate  
Centre Equation  
Batiment 5, 39610 Gieres-France

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: Medtronic, Inc.

Internal Address: a Minnesota corporation

Street Address: 7000 Central Avenue, N.E.

City: Minneapolis State: MN Zip: 55432

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: December 14, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

5,868,675

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Stephen J. Foss

Internal Address: Harness, Dickey & Pierce, P.L.C.

Street Address: P.O. Box 828

City: Bloomfield Hills State: MI Zip: 48303

6. Total number of applications and patents involved: 4

7. Total fee (37 CFR 3.41) .....\$40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayments to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Christopher A. Fusebi

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: 4

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/784,829  
Filing Date: February 8, 2001  
Applicant: Joël Henrion  
Michel Scriban  
Jean-Baptiste Thiebaut  
Jean-Francois Uhl  
Group Art Unit: 3736  
Examiner: Unknown  
Title: INTERACTIVE SYSTEM FOR LOCAL  
INTERVENTION INSIDE A NON-  
HOMOGENEOUS STRUCTURE  
Attorney Docket: 5074A-000013/REA

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Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**STATEMENT IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)**

With respect to the unsigned inventors, the undersigned on many occasions forwarded copies of the reissue application and drawings to the inventors. These attempts began with a series of letters forwarded via DHL to the last known and a few potential addresses of each of the inventors in France. The first letters (Exhibit A) included a copy of the reissue application and a dual French/English Reissue Declaration And Power of Attorney (Exhibit B) with a return post-paid DHL envelope. Signing inventor Michel Scriban executed and returned the Reissue Declaration And



Power of Attorney on 17 September 2002. As detailed below, Mr. Scriban assisted in the communications with the non-signing inventors.

With regard to the non-signing inventors individually, Jean-Baptiste Thiebaut was forwarded a letter, copy of the reissue application, and dual French/English Reissue Declaration And Power of Attorney on August 8, 2002 (See Exhibits A & B). Subsequent to receiving the reissue application, Mr. Thiebaut was contacted via telephone by co-inventor Michel Scriban who attempted to gain his signature on the Reissue Declaration. On October 21, 2002, a second letter (Exhibit C) including a copy of the application with formal filing papers (Exhibit D) was again forwarded to Mr. Thiebaut. Exhibit E is tracking information with respect to the second letter and attachments sent on October 21, 2002 to the non-signing inventors.

A letter, copy of the application, and French/English Reissue Declaration And Power of Attorney was forwarded via DHL to the last known address of Jean-Francois Uhl on August 8, 2002 (See Exhibits A & B). Subsequent to this letter, Mr. Uhl was forwarded a second letter, copy of the application, and formal filing papers on October 21, 2002 to his last known and potential addresses (See Exhibits C & D). As with Mr. Thiebaut, all indications indicate that Mr. Scriban has been in contact and conversation with Mr. Uhl regarding the application. In this regard, Exhibit F represents an e-mail dated August 20, 2002 from signing co-inventor Mr. Scriban to a member of Harness, Dickey & Pierce, P.L.C. indicating that he has been in discussions with regard to the applications with Mr. Thiebaut and Mr. Uhl.

On August 8, 2002, a letter, copy of the application, French/English Reissue Declaration And Power of Attorney was forwarded via DHL to the last known address of

Joël Henrion (See Exhibits A & B). On October 6, 2002, a member of Harness, Dickey & Pierce, P.L.C. received an e-mail letter from Mr. Henrion acknowledging his receipt of the application paperwork (See Exhibit G). On October 21, 2002, a second letter including a copy of the application with formal filing papers was forwarded to Mr. Henrion at his last known address (See Exhibit C & D). On November 2, 2002, a letter was received from Mr. Henrion regarding this matter (See Exhibit H). On November 15, 2002, an e-mail was sent to Mr. Henrion's last known e-mail address addressing concerns he had in his November 2, 2002 letter (See Exhibit I).

The undersigned states that a bona-fide attempt has been made to present a copy of the application including specification, claims, drawings, and Reissue Declaration And Power of Attorney to the non-signing inventors for signature. Although Messrs. Henrion, Thiebaut and Uhl are busy brain surgeons in France, their persistent refusal to return signed documents regarding this matter can only be interpreted as a refusal to assist in this matter.

Date: 2-18-2003



Christopher A. Eusebi, Reg. No. 44,672

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600